

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

UNITED STATES OF AMERICA                  )  
    )  
    )  
V.    )        CR. No.: 2:05cr290-MHT  
    )  
    )  
EDDIE ANDREW GORDON                    )

**MOTION IN LIMINE TO REDACT FROM THE INDICTMENT  
AND EXCLUDE ANY EVIDENCE OR TESTIMONY  
REGARDING PRIOR FELONY CONVICTION, PER OLD CHIEF**

**COMES NOW** the Defendant, Eddie Andrew Gordon, by and through undersigned counsel, and hereby moves *in limine* for an Order directing the United States to refrain from placing any statement, argument, evidence or testimony before the jury concerning Mr. Gordon's prior criminal record with the exception of the stipulated fact that prior to November 24, 2004, he was convicted of a felony offense.

In support of this motion, defendant relies upon the case of *Old Chief v. United States*, 519 U.S. 172 (1997). In that case, the United States Supreme Court held that in a prosecution for possession of a weapon by a convicted felon, if the defendant admits his status as a convicted felon, the government should be barred, under Rule 403, Fed. R. Evid., from introducing evidence about the nature of the prior offense(s). Therefore, once Mr. Gordon stipulates to his status on May 7, 2004 as a previously convicted felon, the government is barred from offering any evidence or testimony about the date, nature or sentence received for that offense.

Dated this 31<sup>st</sup> day of July 2006.

Respectfully submitted,

s/ Kevin L. Butler  
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**CERTIFICATE OF SERVICE**

I hereby certify that on July 31, 2006, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

Tommie Hardwick, Esquire  
Assistant United States Attorney  
One Court Square, Suite 201  
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Respectfully submitted,

s/ Kevin L. Butler  
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